

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C. 20554

In the Matter of

Implementation of the Commercial  
Advertisement Loudness Mitigation  
(CALM) Act

MB Docket No. 11-93

Filed Electronically via ECFCs - Attention: Chief, Media Bureau

**STREAMLINED FINANCIAL HARDSHIP WAIVER CERTIFICATION**

1, By this pleading and the attached certificate, WatchTV, Inc. ("Licensee") certifies that each of the following Class A television stations requires a one-year delay to achieve compliance with the requirements of the Commercial Advertisement Loudness Mitigation Act (the "CALM Act") and requests a waiver of the December 13, 2012 deadline for compliance: <sup>1</sup>

KORS-CD Facility ID 71069	Portland, OR
KORY-CA Facility ID 71070	Eugene, OR
KOXI-CA Facility ID 71074	Camas, WA
KKEI-CA Facility ID 71078	Portland, OR
KORK-CA Facility ID 71079	Portland, OR
KABH-CD Facility ID 167799	Bend, OR

2. Pursuant to the streamlined waiver process set forth in the Commission's December 13, 2011 *Report and Order* in this proceeding, Licensee requests waiver for its six Class A

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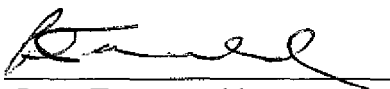
<sup>1</sup> It is Licensee's understanding that Class A television stations are not subject to the CALM Act compliance requirements. This understanding is based on Footnote 17 of *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, 26 FCC Red 17222 (2011) (the "Order"), which defines a subject "television broadcast station" as a station licensed under Subpart E of Part 73. Class A stations are licensed under Subpart J and thus do not come within the definition. Nevertheless, this waiver certification is filed by Licensee out of an abundance of caution, should the Commission interpret the CALM Act compliance requirements to apply to Class A television stations through a proper notice and rulemaking. Licensee does not intend this filing to in any way concede that its Class A stations are subject to the CALM Act.

stations, each as "small broadcast station."<sup>2</sup> Under the procedures adopted in the *Order*, stations seeking a waiver on this basis must certify to the Commission that they qualify as a "small broadcast station" and that they require a delay of one year to obtain specified equipment to avoid financial hardship.<sup>3</sup>

3. As set forth in the attached Certification of Gregory J. Herman, President, Licensee certifies that each of its six stations satisfies the definition of "small broadcast station" by virtue of having less than \$14 million in gross annual receipts; indeed, the entire group as a whole has less than \$14 million in gross revenues. Mr. Herman further certifies that, to avoid financial hardship, the Licensee requires a one-year delay to obtain certain the equipment necessary for the six stations to comply with the Commission's CALM Act requirements.

4. Accordingly, WatchTV, Inc. respectfully requests a one-year waiver or its six Class A stations to comply with the CALM Act.

Respectfully submitted:

By:   
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October 15, 2012

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<sup>2</sup> *Order* at 17253-54.

<sup>3</sup> *id.*

**CERTIFICATION OF GREGORY J. HERMAN**

Gregory J. Herman hereby certifies as follows:

1. I am President of WatchTV, Inc.
2. WatchTV, Inc. the licensee of Class A television Stations KORS-CD, KORY-CA, KOXI-CA, KKEI-CA, KORK-CA, and KABH-CD, all operating in the States of Oregon and Washington (the "Stations").
3. During calendar year 2011, each of the six Stations taken together had less than \$14 million in annual gross receipts, and all six Stations taken as a group also had less than \$14 million in gross receipts. It is anticipated that they will also have significantly less than **\$14** million in annual gross receipts for 2012, both individually and as a group.
4. To achieve compliance with the Commission's CALM Act requirements, I estimate costs of between \$60,000 and \$120,000 for the six Stations as a group, and possibly more after the five analog Stations convert to digital operation and transmit multiple video streams, as KORS-CD now does. The equipment required includes encoders, monitoring and recording equipment, and software.
5. To avoid a financial burden that we cannot afford to meet, WatchTV, Inc. needs and requests a one-year waiver of the Commission's CALM Act requirements for its six Stations.

*(A signed certification will be submitted in a supplemental filing)*

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Gregory J. Herman

October 15, 2012